

[COUNSEL LISTED ON SIGNATURE PAGE]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION (NAF),

Plaintiff,

v.

THE CENTER FOR MEDICAL PROGRESS,
BIOMAX PROCUREMENT SERVICES LLC,
DAVID DALEIDEN (aka "ROBERT SARKIS"),
and TROY NEWMAN,

Defendants.

Case No. 3:15-cv-3522

Judge: Hon. William H. Orrick, III

**STIPULATION AND ORDER TO
EXTEND NATIONAL ABORTION
FEDERATION (NAF)'S
DEADLINE TO CHALLENGE
STATE SUBPOENAS**

Date Action Filed: July 31, 2015
Trial Date:

Pursuant to Local Rules 7-1(a)(5) and 7-12 and Federal Rule of Civil Procedure 15, National Abortion Federation (“NAF” or “Plaintiff”) and Defendants Center for Medical Progress, Biomax Procurement Services, LLC, David Daleiden (collectively, “CMP Defendants”) and Troy Newman (collectively, “Defendants”), file this stipulation to extend NAF’s deadline to challenge subpoenas issued by the Arizona Attorney General and Louisiana Inspector General to CMP:

WHEREAS, the Court issued its ruling on NAF’s motion for preliminary injunction on February 5, 2016 (Dkt. 354);

WHEREAS, on April 18, 2016, the parties stipulated to extend NAF’s deadline to either: (1) complete its meet-and-confer discussions with the Arizona Attorney General and/or the Louisiana Inspector General; or (2) initiate litigation concerning the subpoenas to May 30, 2016 (Dkt. 368);

WHEREAS, the parties also stipulated that “no audio or video footage, documents, or any other material covered by this Court’s Preliminary Injunction Order, as modified by the Court, may be produced in response to the subpoenas issued by the Arizona Attorney General and Louisiana Inspector General unless and until: (1) NAF and representatives of either or both the Arizona Attorney General and Louisiana Inspector General reach agreement concerning the scope, terms, and conditions of any production in response to their respective subpoenas. An agreement with one state does not authorize a response with respect to the other state; or (2) If NAF initiates litigation in accordance with Paragraph 1 above, disputes concerning the particular subpoena are resolved by the court in which that litigation is filed.” *Id.*

WHEREAS, the Court granted the parties’ stipulation on April 19, 2016 (Dkt. 370);

WHEREAS, counsel for NAF represents that it has engaged in meet and confer discussions directly with representatives of the Arizona Attorney General and Louisiana Inspector General;

WHEREAS, it is in the best interests of ~~the Court and~~ the parties to extend NAF’s deadline to reach agreement concerning the appropriate scope of a production or initiate litigation

1 from May 30, 2016 to September 30, 2016 or thirty (30) days after the Ninth Circuit's ruling
2 regarding the preliminary injunction, whichever comes first;

3 WHEREAS, extending this deadline will not impact the existing schedule in this
4 litigation;

5 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the
6 parties, subject to the approval of the Court, that:

7 1. NAF may have until **JUNE 20, 2016** ~~or thirty (30) days after the Ninth Circuit's ruling~~
8 ~~regarding the preliminary injunction, whichever comes first~~, to either (1) complete its meet-and-
9 confer discussions with the Arizona Attorney General and/or the Louisiana Inspector General, or
10 (2) initiate litigation concerning the subpoenas issued by the Arizona Attorney General and/or
11 Louisiana Inspector General in the appropriate fora.

12 2. No audio or video footage, documents, or any other material covered by this Court's
13 Preliminary Injunction Order may be produced in response to the subpoenas issued by the
14 Arizona Attorney General and Louisiana Inspector General unless and until: (1) NAF and
15 representatives of either or both the Arizona Attorney General and Louisiana Inspector General
16 reach agreement concerning the scope, terms, and conditions of any production in response to
17 their respective subpoenas. An agreement with one state does not authorize a response with
18 respect to the other state; or (2) If NAF initiates litigation in accordance with Paragraph 1 above,
19 and disputes concerning the particular subpoena are resolved by the court in which that litigation
20 is filed. In the event that NAF does not reach an agreement or initiate litigation with respect to
21 either or both subpoenas, CMP may respond to the particular subpoena or subpoenas for which
22 there is no agreement or litigation pending after the applicable deadline as set forth in Paragraph 1
23 above.
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1 Dated: May 20, 2016

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10 By: /s/ Derek F. Foran

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2 **ATTESTATION OF E-FILED SIGNATURE**

3 I, Derek F. Foran, am the ECF User whose ID and password are being used to file this
 4 STIPULATION TO EXTEND NAF'S DEADLINE TO CHALLENGE STATE SUBPOENAS.
 5 In compliance with General Order 45, X.B., I hereby attest that Derek Foran, Steven Wood, Erik
 6 Zimmerman, and Catherine Short concur in this filing.

7 Dated: May 20, 2016

/s/ Derek F. Foran
 DEREK F. FORAN

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10 **ORDER**

11 PURSUANT TO STIPULATION, NAF may have until **JUNE 20, 2016** to either (1)
 12 complete its meet-and-confer discussions with the Arizona Attorney General and/or the Louisiana
 13 Inspector General, or (2) initiate litigation concerning the subpoenas issued by the Arizona
 14 Attorney General and/or Louisiana Inspector General in the appropriate fora.

15 A Telephonic Conference to discuss the status of the meet-and-confer discussions will be
 16 held on Tuesday **June 14, 2016 at 3:30 pm**. Plaintiffs shall give notice of this Telephonic
 17 Conference to counsel for Arizona and Louisiana, who may participate in the telephonic
 18 conference if they wish. Counsel wishing to participate in the telephone conference should make
 19 arrangements to do so with the Courtroom Deputy.

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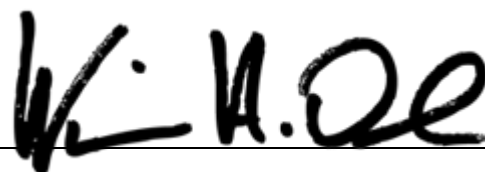
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25 Dated: May 23, 2016

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Honorable William H. Orrick, III
 United States District Court